3. "Alcohol seems to impair driving ability more than marijuana. . . . The poorer driving records of pot smokers (discovered in a related study) are probably due to factors other than the use of marijuana."[3]

4. "Marijuana is no more dangerous than alcohol . . ."[4]

B. The "Correctional" Institutions.

1. "There are nearly 1,000 inmates at Raiford Prison above the prison's designated capacity. . . . Raiford has 60 cells containing 10 men each with only one commode and one lavatory in each of the cells. . . . There are more than 3,500 inmates at the prison, which was designed for 2,600 prisoners. . . . There are 200 inmates sleeping on the floor at the Lake Butler correctional facility (another Florida 'correctional' institute). . . ."[5]

2. "I went through (Raiford) and saw 10 men stacked up in one cell barely 600 feet square, with one open toilet. . . . I don't have any words to describe how I felt. I was horrified . . ."[6]

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[3] Report from Washington's Department of Motor Vehicles after a six week test as reported in *Playboy Magazine*, September 1969 issue, page 72, titled "Pot, Booze and Gasoline".

[4] Dr. James Goddard, Chief of the Food and Drug Administration as reported in *Playboy Magazine*, February 1968 issue, page 51, titled "Feds Ponder Pot".

[5] Excerpt from talk delivered by Mr. Louie Wainwright, Director of State Prison Division of Corrections to the Senate Ways and Means Committee as reported in *St. Petersburg Times* newspaper, November 10, 1970.

[6] State Senator Kenneth Myers, D-Miami, head of Committee for Health, Welfare and State Institutions as reported by *St. Petersburg Times* newspaper, December 2, 1970.

3. "HORRORS REVEALED IN RAIFORD TOUR"[7]

4. "We are warehousing men in our jails with no thought to adequate rehabilitation systems and, as a result, our jails are turning out better criminals, rather than better citizens. Sexual abuse, rape, and degradation have for too long been the norm in our jails. . . ."[8]

CONCLUSION.

The Congress of the United States has declared that the denial of the right to vote for citizens between the ages of 18 and 21 denies to these citizens the guaranties of "due process" and "equal protection" afforded by the Constitution of the United States. It is respectfully submitted that the denial to persons in this age category of jurors their own age likewise deprives these citizens of these constitutional privileges.

This Court has heretofore held that imprisonment, even for a day, can constitute "cruel and unusual punishment" where the punishment is so disproportionate to the offense as to shock public sentiment and violate judgment of reasonable people concerning what is right and proper under the circumstances.[9]

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7. Headline from "Merry-go-Round" by syndicated columnist Jack Anderson as reported in *St. Petersburg Times*, October 1, 1970.

8. Excerpts from statements of State Senator Robert L. Shevin, D-Miami, as Chairman of Senate Jurisprudence subcommittee.

9. *Robinson v. California*, 370 U. S. 660, 8 L. Ed. 2d 758, 82 S. Ct. 1417; *Hemans v. U. S.*, C. C. A. Mich. 1947, 163 F. 2d 228, cert. den. 68 S. Ct. 100, 332 U. S. 801, 92 L. Ed. 380, reh. den. 68 S. Ct. 152, 332 U. S. 821, 92 L. Ed. 397. To the same effect in state courts see *Kenimer v. State* (1950), 81 Ga. App. 437, 59 S. E. 2d 296, 83 Ga. App. 264, 63 S. E. 2d 280; *Faulkner v. State* (1968 Alaska), 445 P. 2d 815; *McDonald v. Commonwealth* (1899), 173 Mass. 322, 53 NE 874, aff'd. 180 U. S. 311, 45 L. Ed. 542, 21 S. Ct. 389.

Marijuana laws are today tempered with the discretion afforded the prohibition of alcohol in 1919. The failure of the state legislatures to act in light of the scientific evidence surrounding the harms of the use of marijuana compel this Court to bring the penalties more in line with those of similar crimes such as violation of alcohol laws. The country depends upon it.

For the reasons herein expressed, petitioner respectfully requests of this Honorable Court an order granting the writ of certiorari as hereinbefore requested and staying the mandate of this Court.

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Attorneys for Petitioner

Certificate of Counsel.

I, the undersigned, herewith certify that the foregoing Petition is presented in good faith and not for delay and that said Petition is restricted to the grounds as set forth in Rule 58, Supreme Court Rules.

GARDNER W. BECKETT, JR.

Certificate of Service.

This is to certify that I have served a copy of the accompanying Petition for Rehearing and for Stay of Mandate to the office of the Honorable Earl Faircloth, Attorney General, State of Florida, Capital Building, Tallahassee, Florida 32304, this 30th day of December, 1970.

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